

based on the date of issuance or receipt of the notice of award. The period of performance specified in the contract shall be based on some other reference point, such as the date the contract is provided to the successful bidder, a mutually agreeable effective date of a later authorization to proceed date.

(6) The notice of award can be issued by any formal written means such as a letter, telegram or electronic means. The notice should be substantially the same as the following format.

Format

Subject: Notice of Award—Invitation for Bids (IFB) (a). This notice is to advise you that your bid (b) in response to the subject IFB has been determined to be the most advantageous to the Government (considering only price and price-related factors). It is the Government's intention to award you a contract in the amount of (c) for this effort pending satisfaction of the following pre-performance conditions: (d)

Evidence (e) of satisfaction of these conditions must be provided to the contracting officer by (f). In the event these conditions are not satisfied by this date, the Government reserves the right to award the contract to the bidder who submitted the next most advantageous bid.

Please note that this notice of award is not a contractual document. It does not obligate the Government to award you, or any other bidder, a contract relative to the subject IFB, and it does not authorize you to proceed with contract performance or incur costs

pursuant to such performance. Any costs incurred for contract performance prior to your receipt of a fully executed contract document are at your own risk and are not recoverable under any Government contract should the Government fail, for whatever reason, to award you a contract in response to the subject IFB.

If a contract is awarded after evidence of satisfaction of the pre-performance conditions listed above is provided to the contracting officer by the specified due date, the date of commencement of work will be provided with the formal award. This date will be based on (g).

NOTES.—The contracting officer shall insert, where shown, the following information:

(a) Identification of the IFB by number and title.

(b) Identification of the contractor's bid.

(c) The award price.

(d) The preperformance conditions (e.g., any required payment and performance bonds).

(e) The evidence required to satisfy the pre-performance conditions (e.g., the actual payment and performance bonds).

(f) The date by which the evidence must be provided to the contracting officer.

(g) Identification of the date for commencement of performance. The period of performance of the contract shall not be based on the date of issuance or receipt of the notice of award. It shall be based on the date the contract is provided to the successful bidder, a mutually agreeable effective date, or a later authorization to proceed date.

PART 1815—CONTRACTING BY NEGOTIATION

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- 1815.7002 Commerce Business Daily announcements, solicitations and contracts.

AUTHORITY: 42 U.S.C. 2473(c)(1).

SOURCE: 54 FR 28239, July 5, 1989, unless otherwise noted.

Subpart 1815.4—Solicitation and Receipt of Proposals and Quotations

1815.402 General.

Before issuance of the solicitation, NASA procurement officers may, by written determination and without power of redelegation, authorize the use of facsimile proposals for individual procurements.

[54 FR 53631, Dec. 29, 1989]

1815.405 Solicitations for information or planning purposes.

1815.405-1 General.

(a) Solicitations for information or planning purposes are particularly useful when a procurement can be properly negotiated only after potential offerors have had an opportunity to become familiar with a large quantity of data, or when it would be desirable to have industry participation in formulating and reviewing complex specifications or requirements.

(b) Solicitations for information or planning purposes may not be used as a means for prequalifying offerors.

(c) Requirements for automatic data processing equipment or support services to perform specified operations or achieve certain results may be suitable for advance review and comment by the private sector when diverse approaches to accomplishing mission objectives may be feasible. The material made available in advance may vary from a comprehensive draft of a proposed requirement to a partial draft; e.g., statement of work and/or specifications or reports.

[60 FR 40513, Aug. 9, 1995]

1815.405-71 Procedure.

(a) In making advance information available to industry, sufficient time should be allowed to permit potential sources an opportunity, commensurate with the task, to prepare and submit a response to the solicitation for information or planning purposes. Invitations for bids and requests for proposals may not be used for these purposes. Solicitations for information or planning purposes may be issued only with

the procurement officer's prior approval (see FAR 15.405-1).

(b) Solicitations for information or planning purposes shall at least:

(1) Request an expression of interest in the contemplated requirement and

(2) Designate a time and place for submitting responses.

Each solicitation shall define, as explicitly as possible, the information the Government desires and indicate whether it is contemplated that the solicitation will be followed by a conference. After approval by the procurement officer, the solicitation shall be forwarded to potential sources and synopsisized according to FAR subpart 5.2.

(c) Each source responding to the solicitation shall be advised of the details of any pending conference. The conference, when provided for, shall be conducted by procurement personnel and should be attended by technical, legal, and other personnel as appropriate. Care must be taken not to prejudice any future competition. All sources shall be furnished identical information in connection with the proposed requirement. Care shall be taken to safeguard any information received in confidence.

[54 FR 28239, July 5, 1989, as amended at 55 FR 47478, Nov. 14, 1990; 60 FR 40513, Aug. 9, 1995]

1815.405-72 Special considerations.

The procedure in 1815.405-71 does not constitute procurement in the usual sense, where the Government is fully aware of its requirements and has incorporated them in a formal solicitation or firms are invited to make known their interest in a procurement by responding to a presolicitation notice. Under the solicitation for information or planning purposes procedure, interested firms may suggest changes in a proposed specification or statement of work; propose alternatives in concept, method, design, system integration, and the like that might result in lower costs without sacrificing performance; or recommend changes in other requirements regarding the product or service involved. Care should be exercised in this connection to avoid potential conflict of interest situations. (See FAR subpart 9.5.)